

IN RE: PETITION FOR VARIANCE
NW/4 Trenton Road, 260' SW
of Trenton Hill Road
(16430 Trenton Road)
5th Election District
3rd Councilmanic District
Thomas W. Speed, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 93-358-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Thomas W. and Deborah Speed. The Petitioners request relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 29 feet in lieu of the required 35 feet for existing improvements in accordance with Petitioner's Exhibit 1.

Appearing and testifying on behalf of the Petition was Thomas W. Speed, property owner. There were no Protestants.

Testimony indicated that the subject property, known as 16430 Trenton Road, consists of 1.495 acres, more or less, zoned R.C. 2 and is improved with a two-story single family dwelling. The Petitioner constructed an addition onto the existing dwelling approximately ten years ago for which he obtained the requisite building permits. Shortly thereafter, he added a family room. Testimony indicated that a recent property line survey revealed that the subject improvements are located within the required rear yard setback boundary. Thus, the Petitioners filed the instant Petition to bring the property into compliance with current zoning regulations. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and is within the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Wilson v. Boley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of June, 1993 that the Petition for Variance requesting relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 29 feet in lieu of the required 35 feet for existing improvements in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 4, 1993

(410) 887-4386

Mr. & Mrs. Thomas W. Speed
16430 Trenton Road
P.O. Box 93
Upperco, Maryland 21155

RE: PETITION FOR VARIANCE
NW/4 Trenton Road, 260' SW of Trenton Hill Road
(16430 Trenton Road)
5th Election District - 3rd Councilmanic District
Thomas W. Speed, et ux - Petitioners
Case No. 93-358-A

Dear Mr. & Mrs. Speed:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Petition for Variance 93-358-A to the Zoning Commissioner of Baltimore County for the property located at #16430 Trenton Road which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A01.3B.3 To allow a rear yard setback of 29 feet in lieu of the required 35 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The house, as it was originally built, was within the building restriction lines. Since that time the expansion of the house has created the present problem. Alterations to the structure would be a considerable expense and would detract considerably from its value.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchased from
(Type or Print Name)
Signature
Address
City State Zip
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zip
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted
ESTIMATED LENGTH OF HEARING
ALL OTHER
DATE 4/15/93

ORDER RECEIVED FOR FILING
Date 4/15/93
By

A. L. Snyder
Surveyor, Inc.
1911 Hampden Pike
Hampden, Maryland 21074
(410) 239-7744
Description to Accompany Zoning Petition
#16430 Trenton Road
March 16, 1993

Beginning for the same on the northwest side of Trenton Road 260 feet southwest of Trenton Hill Road and running thence,

- 1.) S 46° 09' 20" W 32.84 feet,
- 2.) N 56° 45' 00" W 267.51 feet,
- 3.) N 44° 08' 30" W 231.00 feet,
- 4.) N 76° 55' 56" E 272.66 feet,
- 5.) S 37° 20' 21" E 175.74 feet,
- 6.) S 52° 39' 39" W 99.74 feet,
- 7.) S 37° 20' 21" E 190.29 feet to the place of beginning.

Containing 1.495 Acres of land, more or less.

Being all that lot or parcel of land conveyed by Lincoln C. Baird to Thomas W. Speed and Deborah S. Speed, his wife, by deed dated November 17, 1975 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5585 folio 273 etc., and being all that lot shown as Lot 2 on the plat entitled "Property of Thomas W. Speed and Wife" recorded among the aforementioned Land Records in Platbook 43 folio 81.

MEMBER: Md. Soc. of Surveyors • W. Va. Assoc. of Land Surveyors • A.C.S.M. •

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 5th Date of Posting 4/14/93
Posted for: Variance
Petitioner: Thomas W. & Deborah S. Speed
Location of property: (16430) NW/4 Trenton Rd., 260' SW of Trenton Hill Rd.
Location of Sign: At entrance of driveway leading to the property of P. A. Snyder
Remarks:
Posted by: William H. Snyder Date of return: 4/14/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/29/93
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/29/93

THE JEFFERSONIAN,

S. Zabe Orlov
Publisher

Baltimore County
Zoning Administration &
Development Management
311 West Chesapeake Avenue
Towson, Maryland 21204

receipt
93-358-A
Account: R-001-6190
Number: 368

Date 4/10/93
FILING RES VAR CODE 010 50.00
USIGN POSTING 080 35.00
TOTAL 85.00
NAME: SPEED
PROP ADDR 16430 TRENTON RD
OWNER ADDR: SAME

03A0380139N1CHRC
BA C00917AM04-15-93
Please Make Checks Payable To: Baltimore County

\$85.00

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:
Case No.: _____ Item No.: 368
Petitioner: THOMAS W. SPEED AND DEBORAH SPEED
LOCATION: WESTMOST SIDE OF TRENTON ROAD 260' SOUTHWEST OF TRENTON MILL RD.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: THOMAS W. SPEED
ADDRESS: 16430 TRENTON ROAD P.O. Box 93
UPPERCO, MARYLAND 21155
PHONE NUMBER: (410) 833-1577

Al:ggg
(Revised 3/29/93)

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-358-A (Item 368)
16430 Trenton Road
NW/4 Trenton Road, 260' SW of Trenton Mill Road
5th Election District - 3rd Councilmanic
Petitioner(s): Thomas W. Speed and Deborah Speed
HEARING: WEDNESDAY, MAY 26, 1993 at 2:30 p.m. in Room 106, Office Building.

Variance to allow a rear yard setback of 29 feet in lieu of the required 35 feet.

Carl Jablon
Arnold Jablon
Director

cc: Thomas and Deborah Speed
A. L. Snyder

NOTE: HEARINGS ARE "UNOCCUPIED ACCESSIBLE"; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

May 20, 1993

Mr. and Mrs. Thomas W. Speed
P. O. Box 93
Upperco, MD 21155

RE: Case No. 93-358-A, Item No. 368
Petitioner: Thomas W. Speed, et ux
Petition for Variance

Dear Mr. and Mrs. Speed:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: THOMAS W. SPEED ADDRESS: 16430 TRENTON RD. UPPERCO ZIP: 21155

Thomas Speed

*10 yrs Ago - Put addition on house
- Got Permit for addition
- Measured it off as best he could
- Added a family room back then -
didn't measure properly
- Need to bring into compliance*

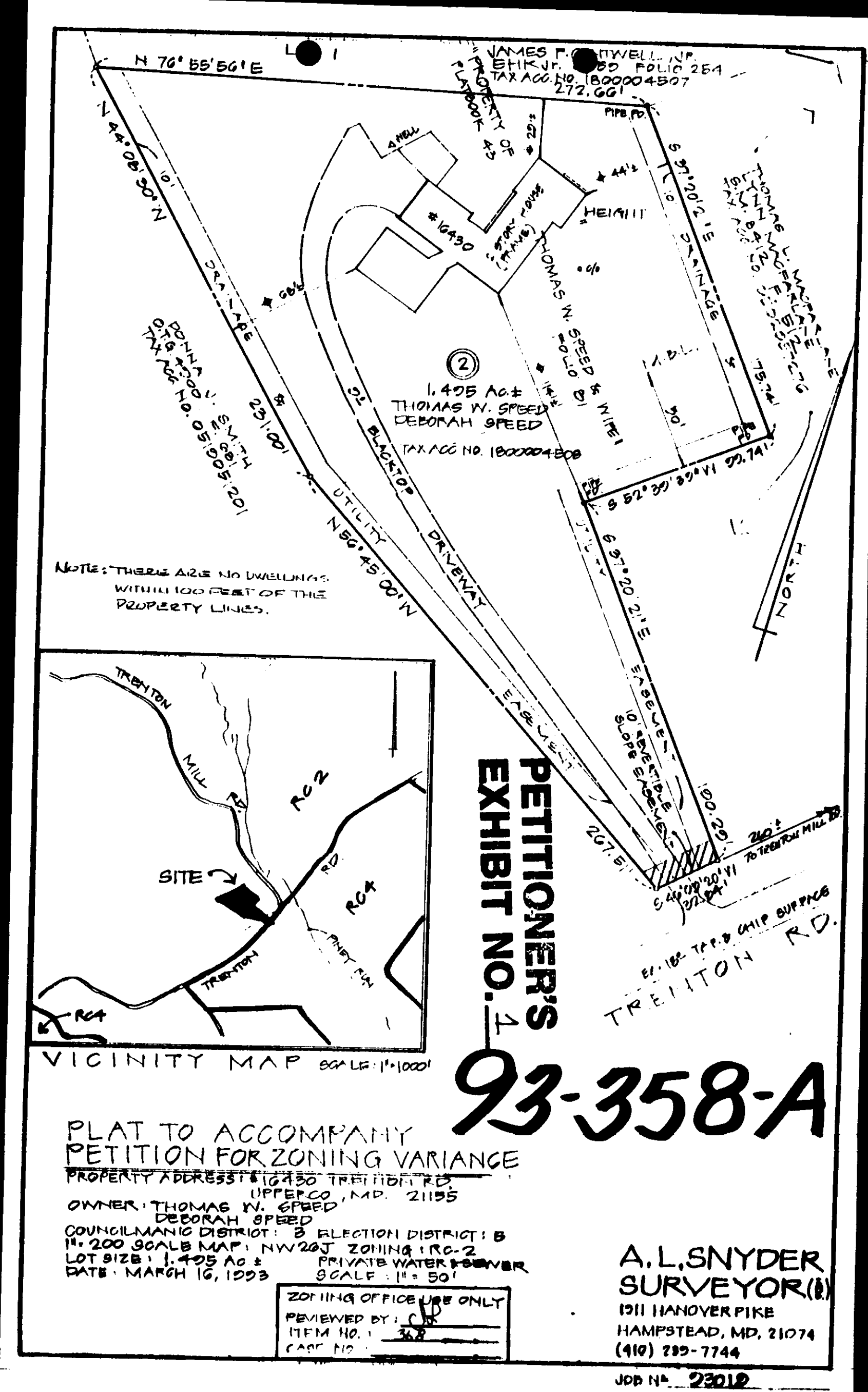
Snyder did Survey - found mistake Re

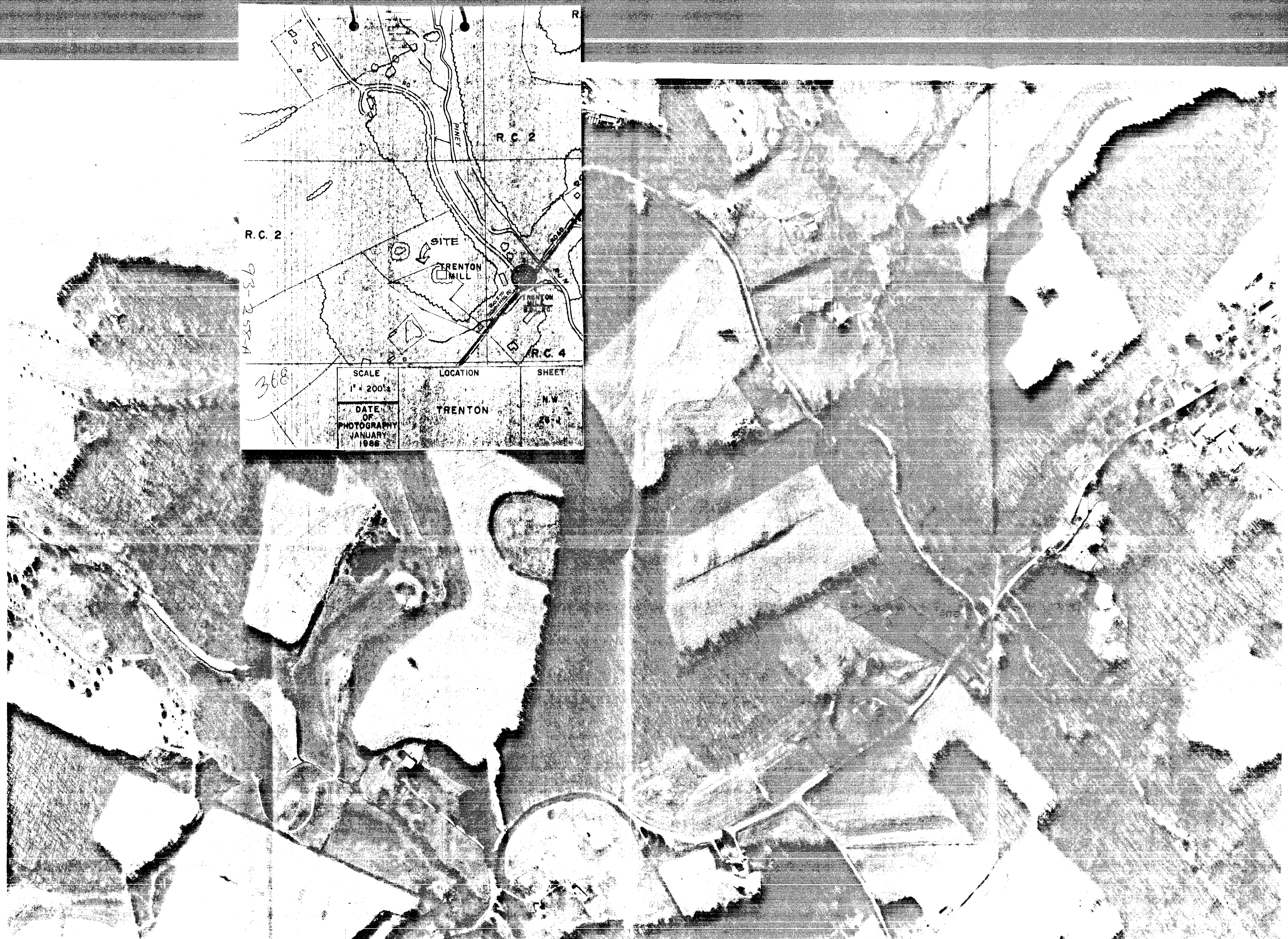
*Best,
Grant this variance.
Gentleman Built addition on to
house 10 yrs Ago + measured improperly
+ property line. NO prior setbacks.*

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: May 4, 1993
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Petitions from Zoning Advisory Committee
The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 359, 360, 367, 368, 370, 381 and 382.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.
Prepared by: *Jeffrey W. Long*
Division Chief: *Caryl L. Keller*
PK/JL:lw
360.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Zoning Advisory Committee
Captain Jerry Pfeifer
Fire Department
Date: April 29, 1993
FROM: _____
SUBJECT: Comments for 05/03/93 Meeting
Item 361 No Comments
Item 362 No Comments
Item 363 No Comments
Item 364 No Comments
Item 365 No Comments
Item 366 No Comments
Item 367 No Comments
Item 368 No Comments
Item 369 No Comments
Item 370 Fire Hydrants are required on site. State law requires townhouses, where permit is issued after 07/01/92, to be sprinklered.
Item 371 No Comments
Item 372 No Comments
Item 373 Existing exits shall be maintained to a public way.
RECEIVED
APR 30 1993
ZADM
CPS-008

Maryland Department of Transportation
State Highway Administration
O. James Lighizer
Secretary
Hal Kassoff
Administrator
Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
Re: Baltimore County
Item No.: 368 (JLL)
4-22-93
Dear Ms. Kehring:
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.
Please contact Bob Small at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.
Very truly yours,
Bob Small
John Contestable, Chief
Engineering Access Permits
Division
My telephone number is _____
Telephones for the Hearing or Speech
382-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TRENTON

SHEET
N.W.
26-J

93-358-A